THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 15843 of 2007

DATE: 26-07-2007

Between :

Akku Vishwanath

… Petitioner

And

The State Bank of India,
Rep., by its Authorized Officer,
Hyderabad and 5 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 15843 of 2007

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the first respondent-Bank in trying to evict the petitioner and his tenants from the house property bearing No.1-1-111 and 112 invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') is arbitrary and illegal.

The material on record shows that a demand notice under Section 13(2) of the Act was issued on 11-10-2006 followed by the possession notice on 24-01-2007. It is also not in dispute that the property in question was already put to auction in which the respondents 5 and 6 were declared as successful bidders.

Hence, I do not find any justifiable reason to entertain this writ petition under Article 226 of the Constitution of India. However, this shall not preclude the petitioner to workout the remedy under Section 17 of the Act before the Debts Recovery Tribunal for redressal of his grievance if any.

Accordingly, granting leave and liberty, the writ petition is dismissed. No costs.

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G. ROHINI, J.

Date:26-07-2007
KLP